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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/525,595 | 03/14/2000 | Asawaree P. Kalavade | 5 | 7955 |

46363 7590 08/11/2005

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| EXAMINER | |
|---|---|
| DINH, KHANH Q | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2151 | |

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/525,595 | KALAVADE, ASAWAREE P. | |
| | Examiner | Art Unit | |
| | Khanh Dinh | 2151 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *2-20,22-40 and 42-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-20, 22-40 and 42-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. This is in response to the Remarks filed on 5/26/2005. Claims 2-20, 22-40 and 42-50 are presented for examination.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-20, 22-40 and 42-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sicher et al US pat. No.6,385,195 in view of Fitch et al., US pat. No.6,647,389.

As to claim 2, Sicher discloses a method for accepting streamed media packets sent from a content provider (using the a radio base station 17 of fig.1) and converting it to a pulse code modulate signal stream comprising:

receiving, via a first interface (14 fig.2), a request for a specified media content available from said content provider (see abstract, col.3 line 14-58 and co1.4 line 47 to col.5 line 20).

establishing, at said first interface (14 fig.2) and responsive to receipt of said request, a session with said content provider for said requested media content and receiving, at said first interface (14 fig.2), said streamed media packets corresponding to said specified media content, said stream media packets being encoded media packets

(using voice encoding protocol) adapted to one of a plurality of encoded streaming media formats and transcoding (translating voice frame packets), at said first interface, said streamed media packets received from said content provider, to form a PCM signal stream corresponding to said specified media content (PCM conversions of data frames, see co1.5 line 21 to col.6 line 61).

Launching, from said first interface (14 fig.2) said PCM signal stream onto a network operable to convey said PCM signal stream (see fig.3, co1.6 line 27 to co1.7 line 67).

Sicher does not specifically disclose a specified media content comprising at least one of live and archived media content. However, Fitch discloses a media content comprising at least one of live and archived media content (see figs.1A-D, 6, col.4 line 4 to col.5 line 50 and col.10 lines 3-65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Fitch's teaching into the computer system of Sicher to provide various media streams because it would have periodically provided various media streams and identified various characteristics of each stream on the network (see Fitch's col.2 lines 24-63).

As to claims 3 and 4, Sicher discloses launching step is performed over a circuit-switched line interface and signal stream from said network using a client device (see co1.6 line 27 to co1.7 line 61 and col.8 lines 27-61).

As to claims 5-7, Sicher discloses client device is a telephone, a wireless device or a cellular phone (see col.14 line 33 to co1.5 line 55).

As to claims 8-11, Sicher discloses said network is a circuit-switched network, a wired telephony network, wireless telephony network and a cellular network (see col.4 lines 32-55).

As to claims 12-14, Sicher discloses said cellular network is CDMA, TDMA and GSM network (see col.4 line 33 to col.5 line 55).

As to claims 15 and 16, Sicher discloses said specified media content is audio content. and video content (see col.4 line 33 to col.5 line 55).

As to claims 17-20, Sicker discloses said specified media content is streaming text content, IP packets, via an Internet interface and an Internet content provider (see col.4 line 33 to co1.5 line 55 and col.8 lines 27-61).

Claims 22-40 are rejected for the same reasons set forth in claims 2-20 respectively.

As to claims 42 and 43, Sicher discloses said PCM signal stream is launched over said circuit switched line interface for delivery to said client user via said circuit-switched network and to a plurality of client users (see col.4 line 33 to col.5 line 55 and col.7 line 48 to col.8 line 45).

Claim 44 is rejected for the same reasons set forth in claim 1. As to the added limitations, Sicher further discloses a service control module (18 fig. I) coupled with said circuit-switched line interface, said service control module operable to solicit, accept and process said requests from a client user over a circuit-switched network and a session control module and coupled to an interface to the internet (13 fig.I) (see fig., co1.4 line 47 to co1.5 line 65 and col.7 line 48 to col.8 line 45) and a PCM signal stream is cell casted to said plurality of client users (see col.4 line 33 to col.5 line 55 and col.6 line 28 to col.7 line 47).

As to claims 45 and 46, Sicher further discloses converting said request by utilizing an audio session gateway protocol into a format recognizable by said content provider and cell casting said PCM signal stream over a plurality of circuit-switched connections (see col.4 line 33 to co1.5 line 55 and col.6 line 28 to co1.7 line 47).

As to claims 47-48, Fitch further discloses encoded formats comprising of one of MP3, Windows Media and RealAudio (MP3, col.1 lines 19-48). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement MP3 format into the computer system of Sicher because it would have allowed digital communication between a server computer and a client computer using a wide choice of network protocols (see col.1 lines 19-48).

As to claims 49 and 50, Sicher further discloses establishing a session comprising remotely controlling operations of said sessions via said mobile device (mobile station 15 fig.2), initiating said session from a mobile device and sending control information associated with at least one of normal play and trick play of said requested media content (controlling the transmissions from the mobile station to the Internet, see col.5 lines 4-35 and col.6 line 27 to col.7 line 29).

***Response to Arguments***

4. Applicant's arguments filed on 5/26/2005 have been fully considered but they are not persuasive.

   - Applicant asserts that the Sicher reference does not disclose a streaming media communication and operating to receive media content requests.

   *Examiner respectfully disagrees. Sicher discloses the applicant's claimed invention by disclosing PCM streaming. Implementing PCM or ADPCM stream is inputting into a second voice codec in the E-IWF which transcodes the stream into Voice-over-IP format 23 utilizing a commonly used speech encoding algorithm found in products such as Vocaltec, MICOMs V/IP and operating to receive media content requests (using the mobile station to encode users' voice according to an industry standard) (see Sicher's col.5 line 36 to col.6 line 61) . This is equivalent to what is claimed.*

- Applicant asserts that there is no operable reason to combine of references and the resultant combination still fail to teach the claimed invention.

*In response to applicant's argument that there is no operable reason to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Fitch's teaching into the computer system of Sicher to provide various media streams because it would have periodically provided various media streams and identified various characteristics of each stream on the network (see Fitch's col.2 lines 24-63). As the result, the combination of cited references is operable and discloses the invention broadly claimed by the Applicant.*

- Applicant asserts that the resultant combination does not disclose "receiving, via a first interface (14 fig.2), a request for a specified media content available from said content provider (see abstract, col.3 line 14-58 and co1.4 line 47 to col.5 line 20), establishing, at said first interface (14 fig.2) and responsive to receipt of said request, a session with said

content provider for said requested media content and transcoding (translating voice frame packets), at said first interface, said streamed media packets received from said content provider, to form a PCM signal stream corresponding to said specified media content (PCM conversions of data frames, see co1.5 line 21 to col.6 line 61)"

*Examiner respectfully disagrees. Sicher discloses the Applicant's claimed invention by showing "a method for accepting streamed media packets sent from a content provider (using the a radio base station 17 of fig.1) and converting it to a pulse code modulate signal stream comprising: receiving, via a first interface (14 fig.2), a request for a specified media content available from said content provider (see abstract, col.3 line 14-58 and co1.4 line 47 to col.5 line 20), establishing, at said first interface (14 fig.2) and responsive to receipt of said request, a session with said content provider for said requested media content and transcoding (translating voice frame packets), at said first interface, said streamed media packets received from said content provider, to form a PCM signal stream corresponding to said specified media content (PCM conversions of data frames, see co1.5 line 21 to col.6 line 61) as rejected above.*

- Applicant further asserts that there is no " a first interface" within any combination of the cited reference.

*Examiner respectfully disagrees. The term "first interface" is the first point of interaction or communication between a computer and any other entity. Taking Sicher*

*reference for example, Sicher discloses the first interface (14 fig.2) (see Sicher's fig.2, col.5 line 36 to col.6 line 61) as rejected above.*

*Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 2, 22 and 44.*

*Claims 3-20, 23-40, 42, 43, 45-50 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [mailed on 12/2/2004]. Accordingly, claims 2-20, 22-40 and 42-50 are respectfully rejected.*

**Conclusion**

5. Claims 2-20, 22-40 and 42-50 are *rejected.*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh Dinh

Khanh Dinh
Patent Examiner
Art Unit 2151
8/3/2005